

REMARKS

In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections of the claims is respectfully requested. Claims 1-3, 5-13, 15, 16, 18-21, 23-34, 37, 38, 41, 42 and 45 currently are pending. By way of the present response, claims 1-3, 5-12, 20, 28, 29 34 and 37 have been amended. Consequently, claims 1-3, 5-13, 15, 16, 18-21, 23-34, 37, 38, 41, 42 and 45 remain pending for consideration with claims 1, 12 and 20 being independent.

In the Office Action, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. The Office asserts that the specification gives no details about the “medium” or “media.” In response, Applicant directs the Office to paragraph [0080] of the published application in which there is described a hardware peripheral integrated circuit element (*i.e.*, computer readable medium) for implementing the selective editing device/apparatus. It should be noted that it is well known the term peripheral¹ as used in this context is defined as “any part of a computer other than the CPU or working memory, *i.e.* disks, keyboards, monitors, mice, printers, scanners, tape drives, microphones, speakers, cameras, to list just the less exotic ones. High speed working memory, such as RAM, ROM or, in the old days, core would not normally be referred to as peripherals. The more modern term “device” is also more general in that it is used for things such as a pseudo-tty, a RAM drive, or a network adaptor.” Thus, the hardware integrated circuit element can reasonably be described as a computer readable medium/media. Therefore, Applicant respectfully requests that the objection be removed.

Further, claims 1-3, 5-11, 20-21, 23-29, 32-34, 37, 42 and 45 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicant have amended the “system” claims to now read as apparatus claims and as discussed above, the specification describes a hardware peripheral integrated

¹ Institute of Electrical and Electronics Engineers (IEEE): Dictionary.com, “peripheral,” in *The Free On-line Dictionary of Computing*. Source location: Denis Howe. <http://dictionary.reference.com/browse/peripheral>. Available: <http://dictionary.reference.com>.

circuit element for implementing the selective editing device. Further, paragraph [0082] merely recites, “[T]he selective editing device can also be implemented by physically incorporating the system method into a software **and/or** hardware system, such as the hardware **and** software systems of a graphics workstation or dedicated web page editing/authoring system,” which does not exclude the claimed subject matter of a group-editable web page editing apparatus (hardware); a method for editing a group-editable web page; or a computer readable medium including one or more computer-readable instructions (software) embedded therein, which when executed by a processor, cause the processor to perform steps, as claimed. Therefore, the claimed subject matter indeed clearly describes a machine **and** a process which are statutory according to 35 U.S.C. § 101. Thus, Applicant respectfully requests that the 101 rejection be withdrawn.

Additionally, claims 1, 12 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response, Applicants have amended claims 1, 12 and 20 as shown above to recite the features as supported by paragraphs [0011], [0040] and [0054] of the published application and Figs. 5, 13 and 14. Therefore, Applicants respectfully request that the 112 rejection be withdrawn.

On page 5 of the Office Action, claims 1-3, 5-13, 15-16, 18-21, 23-24, 37-38, 41-42 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bay-Wei Chang, “In-Place Editing of Web Pages: Sparrow Community-Shared Documents”, published 04/1998 (Chang), in view of U.S. Publication No. 006745128 B1 to Giljum et al. (Giljum) and further in view of U.S. Patent No. 6,654,032 to Zhu et al. (Zhu). Chang, Giljum and Zhu, however, fail to render the claimed invention unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent claim 1 recites a combination that includes, among other things:

a content item edit merging device adapted to perform a check in an actively live web page as to whether a content item modified by an author is comparable to the template information edited by a user during the content item modification, merges one or more parts of the modified content item in comparison with the edited template information based on the check performed, and merges the compared content item with the edited template information back into the electronic document; and a template edit merging device that merges a modified item template back into the electronic document

even if the user edits the content of one or more items managed by the item template in the actively live web page, while the item template is simultaneously being modified or updated by the author.

(See, for example, paragraphs [0011], [0040] and [0054] of the published application and Figs. 5, 13 and 14). Independent claims 12 and 20 each recite yet another combination that includes, *inter alia*,

performing a check in an actively live web page whether a content item modified by an author is comparable to the template information edited by the user during the content item modification; merging one or more parts of the modified content item in comparison with the edited template information based on the check performed; merging the compared content item with the edited template information back into the electronic document; and merging a modified item template back into the electronic document even if the user edits the content of one or more items managed by the item template in an actively live web page, while the item template is simultaneously being modified or updated by the author.

At the very least, the applied references, whether taken alone or in combination, fail to disclose or suggest any of these exemplary features recited in independent claims 1, 12 and 20.

The Office has failed to establish a *prima facie* case of obviousness for at least four reasons. First, the Office has not demonstrated how Chang, Giljum and Zhu, whether taken alone or in combination, disclose or suggest each and every feature recited in the claims. *See* M.P.E.P. § 2143 (7th ed. 1998). Second, the Office has not shown the existence of any reasonable probability of success in modifying Chang, the base reference, based on the teachings of Giljum and Zhu, the secondary references, in a manner that could somehow result in the claimed invention. *See id.* Third, the Office has not identified any suggestion or motivation, either in the teachings of the applied references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the apparatus of Chang in a manner that could somehow result in the claimed invention. *See id.* Finally, the Office has not explained how his obviousness rationale could be found in the prior art — rather than being a hindsight reconstruction of Applicants' own disclosure. *See id.*

Each of the Office's factual conclusions must be supported by "substantial evidence" in the documentary record, as required by the Federal Circuit. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002). The Office has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness "less the 'haze of so-called expertise' acquire insulation from accountability." *Id.* To satisfy this burden, the Office must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b) and 103. In this case, however, the Office has failed to satisfy his burden of demonstrating how Chang, taken alone or in combination with Giljum and Zhu, can either anticipate or render obvious each and every one of the limitations present in independent claims 1, 12 and 20, as required by the M.P.E.P. and Federal Circuit jurisprudence.

The Office asserts that Chang discloses "an element selection device that selects a portion of an electronic document, wherein the selected portion includes information stored within the electronic document, in the form of clicking on a black triangle" by the teachings shown on page 3, lines 2-3 and Figure 2; "an editing device that determines an edit user interface and allows editing of the selected portion through the edit user interface, wherein the edit user interface allows editing of information of the selected portion, in the form of an editable item" by the teachings shown on page 4, lines 1-3; "an updating device that replaces the selected portion with the edited portion, in the form of supplanting the original" by the teachings shown on page 4, lines 3-5; "the electronic document is an HTML document with template, formatting, and content information" by the teachings shown on page 5, lines 16-19; page 11, line 5; pages 11-12, section 4.1; and pages 13-14, section 4.5; "the formatting information comprises code which are distinct from editable content item" by the teachings shown on page 14; "the formatting information is editable by an authorized user" by the teachings shown on page 11, line 2; and "an edit merging device that merges first modified content information back into the electronic document even if second content information was altered while the first information was modified" by the teachings shown on page 7, lines 16-19 and page 14, section 4.6.

Further, the Office attempts to remedy the deficiencies of Chang by turning to Giljum. The Office asserts that Giljum discloses that it is desirable to edit the template or "style" of web pages by the teachings shown at col. 8, lines 3-5; and that it is desirable to edit

the formatting or “fonts” of web pages by the teachings shown at col. 8, lines 52-54. The Office also asserts that Zhu describes a conferencing server which distributes the shared screen (electronic document) to a plurality of remote clients, each of the remote clients having a viewer application to display the share screen, and the shared screen being simultaneously displayed during the live data conference (col. 11, lines 11-18). Thus, the Office asserts that Chang teaches the claimed invention except for the specific information to be selected and edited being template or formatting information. The combination of Chang and Giljum teach the desirability of editing template or format information. Thus, the Office asserts that Chang and Giljum provide a sufficient suggestion to those skilled in the art to modify the Chang system to include group editing of template or formatting information in addition to Chang’s group editing of content information. Further, the Office asserts that the modified Chang, taken in combination with Zhu, provides a sufficient suggestion to those skilled in the art to modify Chang to include merging the update information edited from the user input to create shared screen update being simultaneously displayed during the live data conference in addition to Chang’s merging the modified content information back into the electronic document.

In contrast, the teachings of Chang, which are discussed at length in the specification of the present application from page 1, line 17, to page 2, line 9, for example, provide that the content of items on a page may be edited using an interface. The web page taught by Chang are web pages that have the additional capability of being modifiable by visitors to the page. (Section 2.1, Overview). In particular, after a web page is put onto the Web, other users may contribute to the page in ways the original author of the page has defined. (Section 1, Introduction). For example, as is taught by Chang in Section 2.2, “Lightweight Editing Features,” contributors may add or edit items. Thus, Chang teaches the use of a user interface to edit items of a web page from a web browser. However, Chang does not teach or suggest the features of a content item edit merging device adapted to perform a check in an actively live web page as to whether a content item modified by an author is comparable to the template information edited by a user during the content item modification, merges one or more parts of the modified content item in comparison with the edited template information based on the check performed, and merges the compared content item with the edited template information back into the electronic document; and a template edit merging device that merges a modified item template back into the electronic document

even if the user edits the content of one or more items managed by the item template in the actively live web page, while the item template is simultaneously being modified or updated by the author, as presently claimed.

Similarly, Giljum and Zhu fail to cure the deficiencies in Chang, as discussed above. Zhu may suggest simultaneous viewing or displaying but fails to teach or suggest simultaneously modifying or updating templates, as presently claimed. In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Chang, Giljum nor Zhu, taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 1, 12 and 20. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 12 or 20 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 12 and 20.

In addition, each of the dependent claims also recite combinations that are separately patentable.

Thus, the present invention teaches a novel approach to editing, for example, *formatting information* and *template information* in a self-contained group-writable Web page even while item templates or the overall HTML are being modified or updated in real-time. Referring to Figs. 1 and 5 of the present application, if a user desires to edit *one or more templates* within a web page, the user initiates a template edit mode, in which a template edit device, in cooperation with an element selection device, parses the web page to determine the one or more templates in use, and creates and forwards a temporary web page to a browser, which allows for editing of the template. (Specification, page 7, line 26, to page 8, line 8). The template edit device may then update each item on the page associated with the edited template, temporarily save the web page, and update the actively live web page even while item templates or the overall HTML is being modified or updated.

Furthermore, a user can edit the *formatting characteristics* of the page in the page edit mode, which is initiated in response to a user request with the aid of a page edit device. The page edit device, in cooperation with an element selection device and a placeholder determination device, parses the web page and replaces the suppressed items with placeholder identifications in a temporary page. Next, the element selection device selects the non-placeholder information, defining, for example, the global characteristics of the web page, and a user interface determination device, in cooperation with the page edit device, then assembles a page edit user interface having an edit area defined for each non-placeholder portion. A user is then allowed to perform edits on the remaining HTML. The page edit device then deletes the old non-placeholder portions and replaces them with the updated non-placeholder portions. Each item associated with the updated non-placeholder portions are then updated, the web page is saved to a temporary file, and the web server is updated.

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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